

REMARKS

Claims 1-13 remain herein.

Applicants thank the Examiner for the telephonic interview of July 2, 2009. During the interview, agreement was reached that Arakane U.S. Patent Application Publication 2006/0257684 is not de jure prior art to the present application. Accordingly, the Examiner agreed to withdraw the finality of the Office Action. The arguments made during the interview are included below.

1. Claims 1-3, 6 and 8-13 were rejected under 35 U.S.C. § 102(e) over Arakane et al. U.S. Patent Application Publication 2006/0257684. Arakane is not de jure prior art to the present application. Arakane is not entitled to the October 1, 2003 filing date of its parent international application WO 2004/034751 because it was not published in the English language. The prior art date of Arakane is its U.S. filing date of March 25, 2005. The priority date of the present application is at least its June 24, 2004 PCT filing date which pre-dates the prior art date of Arakane. Further, applicants are entitled to the July 11, 2003 filing date of Japanese priority application JP 2003-195472. Applicants file herewith a verified English translation of JP 2003-195472 to perfect their claim of priority. Thus, the effective filing date of the present application pre-dates the prior art date of Arakane, and therefore, Arakane is not de jure prior art to the present application. Applicants respectfully request reconsideration and withdrawal of this rejection.

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Docket No.: 28955.4040

2. Claims 4, 5 and 7 were rejected under 35 U.S.C. § 103(a) over Arakane in view of Sakai et al. U.S. Patent 6,224,966. As discussed above, Arakane is not de jure prior art to the present application. Applicants respectfully request reconsideration and withdrawal of this rejection.

Accordingly, this application is now fully in condition for allowance and a notice to that effect is respectfully requested. The PTO is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293. If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicants' undersigned attorney at the number listed below.

Respectfully submitted,

STEPTOE & JOHNSON LLP

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Houda MORAD  
Roger W. Parkhurst  
Reg. No. 25,177  
Houda Morad  
Reg. No. 56,742

STEPTOE & JOHNSON LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036  
Tel: 202-429-3000  
Fax: 202-429-3902